

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:22-CV-61553-DIMITROULEAS/HUNT

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

ALL VIP CARE INC.,

Defendant,

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**PLAINTIFF'S MOTION TO ADDRESS DEFENSE COUNSEL'S STATUS**

Plaintiff, Cruz Valdivieso Figuera, through her undersigned counsel and pursuant to S.F. Fla. Rule 8 of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys for the Southern District of Florida, Rule 4-4.2 of the Rules Regulating The Florida Bar, and other applicable Rules and laws, requests the Court to enter an Order as follows:

**Nature of Relief Sought**

Plaintiff seeks an Order from this Court permitting her counsel to communicate directly with the Defendant, Liz Velazquez McKinnon, so he can respond to her email attempt to resolve a part of this post-judgment matter (relating to her satisfaction of the Final Judgment awarding Plaintiff the (additional) amount of \$25,045.19 for attorney's fees (and interest thereon) on September 2, 2025 [ECF No. 231]) while her counsel is suspended by The Florida Bar but counsel of record herein.

### **Relevant History**

1. The Court entered a Final Judgment\$25,045.19 for attorney's fees (and interest thereon) on September 2, 2025 [ECF No. 231], which remains unsatisfied and outstanding, and for which Plaintiff has engaged in post-judgment collection efforts.

2. The Supreme Court of Florida issued an Emergency Order of Suspension in Case No.: SC2025-1375 on October 2, 2025, the result of which was to suspend Michael Alexander Hurckes, defense counsel in this case, effective 30 days thereafter. (Exhibit "A")

3. The Court entered an Order to Show Cause on November 5, 2025, directing the Defendants to appear before the Court on November 13, 2025, to Show Cause as to why they should not be held in Contempt of Court. [ECF No. 245]

4. The Court commenced a hearing on November 13, 2025, but after waiting 20 minutes, neither Defendants nor their counsel appeared. [ECF No. 246]

5. On December 2, 2025, the Court scheduled another Show Cause hearing for December 9, 2025, but neither Defendants nor their counsel appeared at this hearing. [ECF Nos. 247, 248]

6. Meanwhile, the individual Defendant, Liz Velazquez McKinnon, sent the Court an email on October 2, 2025, to advise of issues with her counsel.

7. She has also sent several emails to the undersigned counsel for the Plaintiff (as recently as December 15, 2025). (Exhibits "B" and "C")

8. In the email Ms. McKinnon sent to the undersigned counsel for Plaintiff on September 22, 2025, and December 15, 2025, she appears interested in satisfying the Final Judgment issued September 2, 2025 [ECF No. 231]. (Exhibits "B" and "C")

9. Undersigned counsel for the Plaintiff has not given a substantive response to Ms. MsKinnon's email of December 15, 2025, other than to acknowledge his inability to respond while she remains represented by counsel in this Court due the prohibition against communicating with a represented party embodied in Rule 4-4.2 of the Rules Regulating The Florida Bar. (Exhibit "B")

10. Rule 1 of the Federal Rules of Civil Procedure directs that the Rules of Civil Procedure "should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding."

11. Accordingly, the Court has the power to "control the disposition of the causes on its docket with economy of time and effort for itself, for counsel and for litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936); *also see Clinton v. Jones*, 520 U.S. 681, 706-707 (1997).

12. Plaintiff requests that the Court enter an Order either (a) permitting her undersigned counsel to communicate directly with the Defendants while their counsel is suspended and until such time as they retain new counsel to appear in this Court, or (b) granting such other relief for the sake of efficiency and in the spirit of Rule 1.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order in accordance with the foregoing Motion and to award such other and further relief as the Court deems just and proper.

Respectfully submitted this 15<sup>th</sup> day of December 2025,

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